

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

UFL1612 – FAMILY LAW

(All Sections/Groups)

4 MARCH 2020

Reading Time: 9.00 a.m.-9.15 a.m.

(15 Minutes)

Answering Time: 9.15 a.m.-12.15 p.m.

(3 Hours)

INSTRUCTIONS TO STUDENTS

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 3 Pages and 5 Questions only.
3. Attempt **FOUR** out of FIVE questions. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are only allowed to bring in **CLEAN AND ORIGINAL COPY** of the following statutes into the exam venue:
 - i. **Law Reform (Marriage and Divorce) Act 1976.**"Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

SECTION A: ANSWER ALL QUESTIONS**QUESTION 1**

- (a) With reference to decided cases, discuss the factors that the court will consider when deciding whether a person has acquired a domicile of choice.

(12.5 marks)

- (b) Janet was engaged to Gerald and their wedding was due to take place in a year's time. Unfortunately, 2 months before the wedding, Janet met with an accident. She was badly injured. The doctor told both of them that Janet could not get pregnant. Gerald was upset and decided to break off the engagement. Janet was hurt and wish to know whether she could bring an action against Gerald for breaking off the engagement. Janet had also spent quite a large amount for the preparation of their wedding. Advise Janet.

(12.5 marks)

(Total: 25 marks)

QUESTION 2

- (a) Tan, age 55, is a successful businessman. He married Melinda in 1980 according to the Chinese custom. They have 3 children. Tan sponsored an event for a group of secondary students. Jenny, age 16 was part of the group. Tan and Jenny fell in love and decided to get married. Jenny went to the National Registration Department to check on Tan's marital status. She was so happy when the search indicated that Tan was still single. Jenny introduced Tan to her parents but they did not consent to the marriage due to the age gap between the parties. Jenny refused to listen to her parents and insisted that if they did not consent to the marriage, she would never see them again. Reluctantly they agreed. Both Tan and Jenny were married in Bali. They went to Europe for their honeymoon before coming back to Malaysia.

Based on the facts above, discuss the followings:

- | | |
|---|-------------|
| (i) The status of Tan and Melinda's marriage; | (7.5 marks) |
| (ii) The status of Tan and Jenny's marriage. | (7.5 marks) |
| | (15 marks) |

Continued...

- (b) Explain how the status of married women has been changed by the Married Women's Act 1957.

(10 marks)

(Total: 25 marks)

QUESTION 3

- (a) Kamala and Rakesh have been married for 4 months. They have been trying to have a baby. The doctor advised them to subscribe to a healthy lifestyle especially refrain from taking alcohol. Rakesh is having issues at work and started drinking heavily. Kamala reminded him not to do so. Whenever she raised this issue, Rakesh became angry and hit her. Afterwards Rakesh would apologize, bought her gifts and promised not to repeat it again. Nevertheless, that was not so. Kamala would like to know whether she can dissolve her marriage. Advise her.

(12.5 marks)

- (b) Desertion can be a ground for divorce according to the Law Reform (Marriage and Divorce) Act 1976. Explain the legal principles on desertion by referring to decided cases.

(12.5 marks)

(Total:25 marks)

Continued...

SECTION B: Please answer only ONE question.**QUESTION 4A**

- (a) Nina and Jack had been together for 6 months. Nina found herself pregnant. She told Jack about the pregnancy. Jack was very unhappy since they never discuss the possibility of having a child. Wedding was not part of the plan too. Nina is worried, she wants to know:

- (i) The status of her child; (5 marks)
- (ii) How can she legitimize her child if Jack refused to marry her? (7 marks)
- (iii) Can she claim maintenance for the child from Jack? (5 marks)

Advise Nina.

(17 marks)

- (b) With reference to the provisions of the Law Reform (Marriage and Divorce) Act 1976, discuss the meaning of matrimonial property. Illustrate your answer with decided cases.

(8 marks)

(Total:25 marks)

QUESTION 4B

Remy and Joy have been married for 25 years. They have 2 sons. Jared, 18 years old is studying in a private college, while Raymond, 10 years old is visually impaired. Both of Remy and Joy are successful and accumulated properties, including houses, apartments, cars and shares. Joy also collected designer bags and jewelry. The combined properties are valued at 10 million. Remy and Joy grew apart and Joy heard that Remy wants a divorce. Joy wants to know the following:

- (i) Whether Joy can claim the matrimonial property; (6 marks)
- (ii) Whether Joy can claim maintenance for herself and her children; (10 marks)
- (iii) Whether Joy can get custody over her children. (9 marks)

Advise Joy.

(Total:25 marks)

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